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FOR UNDERSECRETARY NEWSOM

E.O. 11652: GDS

TAGS: SHUM, OAS, AR, US

SUBJECT: ARGENTINE INVITATION TO OAS HUMAN RIGHTS COMMISSION

1. A FOREIGN MINISTRY SOURCE INVOLVED IN POLICY PLANNING AND COORDINATION (PROTECT) TOLD EMBOFF JUNE 22 THAT THE GOA INVITATION TO THE IAHRC WAS INTENDED TO PERMIT THE COMMISSION TO VERIFY THAT THE ACTIONS TAKEN BY THE GOA IN DEALING WITH THE SUBVERSIVE/TERRORIST THREAT ARE FULLY CONSONANT WITH THE STATE-OF-SEIGE POWERS AUTHORIZED BY THE CONSITUION, THAT THERE IS JUDICIAL REVIEW BY AN INDEPENDENT JUDICIARY TO CHECK AND BALANCE POSSIBLE ABUSE BY EXECUTIVE AUTHORITY AND THAT ADEQUATE LEGAL AND ADMINISTRATIVE REMEDIES ARE AVAILABLE AND FUNCTIONING. UNDER THE TERMS OF THE GOVERNMENT'S INVITATION TO THE IAHRC, IT IS ENVISIONED THAT THE COMMISSION WOULD ENTER INTO DIRECT CONTACT WITH THE JUDICIAL AND EXECUTIVE BRANCHES (BUT PRINICIPALLY THE FORMER) TO VERIFY THE EXISTENCE OF THESE GUARANTEES. IT IS NOT ENVISIONED BY THE GOA, OUR SOURCE STATED, THAT THE COMMISSION WOULD TAKE TESTIMONY FROM INDIVIDUALS, NOR WOULD IT VISIT JAILS OR MEET WITH HUMAN RIGHTS GROUPS. AT LEAST, NOT ACCORDING TO THE ORIGINAL PLAN AGREED UPON WITHIN THE MINISTRY BEFORE THE OFFICIAL ARGENTINE DELEGATION DEPARTED FOR WASHINGTON. THE SOURCE

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THOUGHT THAT FOREIGN MINISTER MONTES HAD AUTHORITY TO NEGOTIATE MODIFICATIONS IN THE TERMS OF REFERENCE OF THE INVITATION WHICH COULD PERMIT THE COMMISSION SOMEWHAT WIDER LEEWAY IN PRACTICE, ALTHOUGH THE FORMAL FOCUS OF THE VISIT WOULD STILL BE ON "THE

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Department of State, A/GIS/IPS/SRP

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JURIDICAL/LEGAL CONDITIONS PREVAILING IN ARGENTINA."

2. SOURCE SAID THAT THERE HAD BEEN ONE INFORMAL DINNER MEETING BETWEEN MONTES AND IAHRG CHAIRMAN AGUILAR AT OAS SECRETARY GENERAL ORFILA'S HOUSE AND A FORMAL SESSION THE FOLLOWING DAY. HE ASSUMED THAT SOME NEGOTIATION OF THE TERMS OF REFERENCE OF THE VISIT WAS NOW GOING ON, AS EVIDENCED BY THE FAILURE THUS FAR OF THE IAHRG TO RESPOND TO MONTES' INVITATION.

3. SOURCE ALSO STATED THAT THERE WAS CONCERN IN THE FOREIGN MINISTRY THAT PRESIDENT CARTER'S SPEECH AT THE OPENING SESSION OF VIII GA SIGNALLED A NEW HARDENING OF US POLICY SPECIFICALLY AIMED AT ARGENTINA.  
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